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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Pozil, Richard L. and Provda, Lois J.

Serial No.: 07/833,465

Filed: February 7, 1992

For: WRITING AID

MAR 17 92
COCUP 1992

The Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

PRELIMINARY SUBMISSION

Dear Sir:

Preliminarily to the examination of the above-identified application by the Examiner, there is being submitted herewith a translation of the Swedish Andersson patent, which it is believed will be most helpful to the Examiner.

Additionally, Applicants have had made a prototype in view of the Swedish patent drawings and the same willingly will be shown to the Examiner to point out the distinct differences between the Swedish device and Applicant's device. In the meantime, photographs, attached, are being submitted herewith.

The invention is related to a writing aid 10 provided in a particular contour to achieve a proper, relaxed writing position for the fingers of a user when a writing instrument 12 is utilized as is shown in FIG. 1 of the application drawings. The overall concept is to achieve the proper and relaxed writing position and is directed to the interfacing relationship of the writing aid 10,

the thumb 30, the index finger 32, and the middle finger 38 of a user. It is the particular contour of the writing aid 10 which allows for the proper writing position and placement of the fingers of the user and allows the user to determine at this or her discretion the pressure of the writing instrument 12 while at all times maintaining a proper positional relationship between the fingers of the user and further providing a relaxed interrelationship of the user's fingers during the writing procedure.

The particular contour of the writing aid 10 which allows for the maintenance of the correct writing position is described in the Specification and particularly shown in the drawing FIGS. 2, 5 and 6 where the writing aid 10 has a longitudinally extending pear-shaped body 14 which includes a first end section 16 and a second bulbous-shaped end 18. The pear-shaped body 14 defines a substantially triangularly contoured cross-sectional area when taken with respect to a longitudinal axis line as is clearly seen in FIG. 3. The pear-shaped body includes a through passage or opening 20 extending in the longitudinal direction and provides for insert therethrough of the writing instrument 12.

Of maximum importance is the particular contouring of the pear-shaped body 14 in combination with the positional relationship of the first concave surface 24, the second concave surface 26 and the third concave surface 28 to provide for the correct positioned placement of the user's finger during a writing operation. The three concave surfaces 24/26/28 essentially define respective sides of the triangularly cross-sectional area of the pear-shaped body 14

as is clearly seen in FIGS. 3, 5, and 6. The three external surfaces contiguously interface respectively with the user's thumb 30, the user's index finger 32, and the user's middle finger 38 as shown in FIG. 1. The surfaces referred to in the Specification and the Claims include the first surface 24 which is continuously concave and contiguously interfaces with the user's thumb 30, the user's index finger 32 which interfaces with the continuously concave surface 26 and the user's middle finger 38 which interfaces with the third surface 28 as is seen in the perspective view shown in FIG. 1.

The surfaces 24/26/28 define sides of the substantially triangularly contoured cross-sectional area formed throughout the longitudinal extension of the pear-shaped body 14 as is seen in FIG. 3. The first surface 24 being continuously concave extends from the first end section 16 to a section of the bulbous second end section 18 in a generally longitudinal direction. The second continuously concave surface 26 is associated with contiguous interface with the index finger 32 and also extends substantially in the longitudinal direction for interface with at least the first joint portion of the user's index finger 32. The third continuously concave surface 28 is formed in the first end section 16 for interface with a user's middle finger 38 and extends in an inclined direction to the longitudinal direction.

In the parent application, the Examiner had rejected the Claims as being obvious in view of the Rusk Patent #4,832,604 when taken in combination with the Andersson Swedish Patent #5880. Referring to the Rusk Patent #4,832,604, such is directed to a

writing aid 10 designed to be placed on a writing instrument such as a pencil 12. The writing aid 10 of the rusk Patent provides for a first gripping surface 42, a second gripping surface 44, and a third gripping surface 46. The first gripping surface 42 receives the user's thumb 24 with the second gripping surface 44 receiving the user's second finger 26 and the third gripping surface 46 being provided for positioning the middle finger 28 of the user.

The overall three-dimensional shape of the Rusk Patent writing aid 10 is difficult to illustrate in verbal terms however, it is directed to an overall structure which positionally places the fingers of a user in a positional location substantially remote from the positional location of the fingers as shown in FIG. 1 of the subject Patent Application. The Rusk Patent writing aid 10 has an overall structure which is adapted for contact with only the tips of the user's index finger and thumb. The surfaces do not extend in the longitudinal direction as provided in the subject Patent Application system and the Rusk writing aid 10 does not contiguously contact the fingers of the user over an extended portion of the "pear-shaped body" as is necessary to the subject invention concept. It is precisely this overall-pear-shaped body contour with extended concave surfaces which allows for contiguous interface of the user's fingers in a manner which provides both a relaxed and correct writing action when the subject writing aid is in operational position. Bulbous end section 18 allows for the continuous interface of the user's fingers throughout the concave sections 26 and concave section 24 which is not seen in the Rusk Patent. As is clearly seen from the Rusk Patent system, such

provides for a positional relationship of the fingers of the user with respect to the writing aid which may result in a cramped positional interrelationship.

Referring to Claim 1, it is not believed that the Rusk Patent provides for: "...a generally longitudinally extending pear-shaped body defining a substantially triangularly contoured cross-sectional area having a first end section and a second bulbous end section...", as is necessary to Claim 1. Additionally, by nature of the overall contour and interfacing relationship, the Rusk Patent does not provide for: "...said first surface being continuously concave and extending from said first end section to said second bulbous and section for contiguous interface with substantially the entire contacting area of a first joint of said thumb of said user...". By necessity, the Rusk Patent systems must only contact the tip of the user's thumb.

Still further, the Rusk Patent does not provide for: "...said second surface being continuously concave and extending from said first end section to said second bulbous end section for contiguous interface with a first joint and at least a portion of a second joint of said index finger...". The Rusk writing aid 10 once again as in the case of the thumb portion only contacts the tip of the index finger while allowing the remaining portion of the finger to be displaced from the writing implement and thus not providing support for the user's index finger.

The Andersson reference Swedish Patent #5880 is directed to what appears to be a writing aid for a writing instrument. The particular contouring of the recesses B/C/D provide for a

positional relationship of the user with respect to the writing instrument in a substantially remote condition when taken with respect to the positional relationship shown in the subject Patent Application. The positional relationship of the fingers in the Andersson reference is shown in FIG. 1 and correspondingly the positional relationship of the fingers of the user are shown in FIG. 1 of the subject Patent Application. In particular, it is believed that the index finger is inserted within the cusp B, the middle finger being inserted within the cusp C, and the third finger being inserted within the cusp D. In this manner, the writing position of FIG. 1 (of the Andersson Patent) is attained.

Although it may be argued that the cusp sections B/C/d extend somewhat in a longitudinal direction when taken with respect to the writing instrument extension, it is not believed that the surfaces in any way correspond to the positional relationship of the surfaces 24/26/28 of the subject invention concept as defined by the instant Claims. The cusp sections B/C/C/ do not provide for any triangularly contoured cross-sectional area as defined by the subject Patent Application. Thus, the Andersson reference does not provide for : "...longitudinally extending pear-shaped body defining a substantially triangularly contoured cross-sectional area...", wherein the surfaces are defined and the Andersson reference does not provide for: ..."each of said surface defining a respective side of said triangularly contoured cross-sectional area of said pear-shaped body...", as now provided in the subject Patent Application claims.

Additionally, the cusp sections B/C/D are positionally located in a manner which is instrumental to the writing positional placement of the fingers as shown in FIG. 1. Removal of one of the cusps such as B or D, would result in a writing aid which did not provide for the proper inserts to allow the particular positioning of the fingers as is necessary to the Andersson reference concept. Removal of one of the cusp sections of the Andersson reference would not result in the positional placement of the fingers as shown in FIG. 1 of the subject Patent Application.

It is precisely the concept of the surfaces 24/26/28 of the subject Patent Application being formed on faces of a triangularly contoured cross-section which allows for the positional placement as shown in FIG. 1 of the subject Patent Application. This positional placement cannot be attained by the four surfaces provided by the Andersson Patent system.

Still further, the Examiner has previously stated in the parent case that the Andersson reference is "generally pear-shaped" and it is believed that this may be somewhat of an abstract characterization and interpretation of the contour of the Andersson reference system when taken with relation to the subject writing aid contour. The Andersson reference does have a smaller first end and a larger second end however, to characterize such as being "pear-shaped" is not believed to be correct since such directs itself to a continuous contouring in a smooth orientation envelope which is important to the subject invention concept system since one of the objectives is to provide a relaxed writing orientation for the user.

There are enclosed several polaroid photographs of a prototype of the Andersson patent from which the foregoing distinctions are clearly seen. Applicants will submit the actual prototype should the Examiner deem it desirable.

It is not believed that even in combination, is there provided the concept of the "...pear-shaped body consisting of first, second and third external surfaces...", which are provided on the "substantially triangularly contoured cross-sectioned area" of the "pear-shaped body" as is now necessary to Claim 1 and Dependent Claims therefrom.

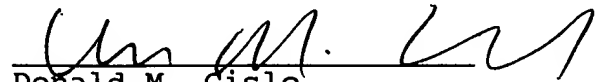
The remaining references cited by the Examiner in the parent case but not used by the Examiner have been studied and believed to be more remote when patentability considerations are taken into account than those references discussed above.

It is now believed that the subject Patent Application is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

CISLO & THOMAS

Date: March 10, 1992


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the United States Postal Service as first class mail in an envelope
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D.C., 20231 on 3-10-92

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3-10-92
Date